

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK
WHITE PLAINS DIVISION

IN RE

JACK PINNOCK
AND
MAZIE PINNOCK,
DEBTORS.

CHAPTER 13

CASE NO. 16-23508

JUDGE: Robert D. Drain

OBJECTION TO CONFIRMATION

Katherine Heidbrink, Esq., an attorney admitted to practice in this Court, affirms the following under penalty of perjury:

1. I am an associate with Shapiro, DiCaro & Barak, LLC, attorneys for Select Portfolio Servicing, Inc. as Servicer for JPMorgan Chase Bank, National Association, as Trustee f/b/o holders of Structured Asset Mortgage Investments II Inc., Bear Stearns ALT-A Trust 2005-10, Mortgage Pass-Through Certificates, Series 2005-10 ("SPS"), and am familiar with the facts and circumstances surrounding this matter.

2. JPMorgan Chase Bank, National Association, as Trustee f/b/o holders of Structured Asset Mortgage Investments II Inc., Bear Stearns ALT-A Trust 2005-10, Mortgage Pass-Through Certificates, Series 2005-10 holds a Security Deed on the Debtors' real property known as 7188 Boulder Pass, Union City, GA 30291 (the "Property").

3. SPS hereby objects to the Debtors' proposed Chapter 13 Plan for all of the following reasons:

4. First, the Debtors' proposed Chapter 13 Plan makes no provision for SPS' secured claim on the Property, which should be listed as a Class 4 Secured Claim (i.e. on real property other than the Debtors' principal residence).

5. Second, SPS will be filing a Proof of Claim for pre-petition mortgage arrears in the approximate amount of \$38,934.72, which will be filed with the Court by the bar date of March 9, 2017. Debtors' proposed Chapter 13 Plan lists no arrears, making no provision for full payment of the mortgage arrears in violation of 11 U.S.C. § 1325(a)(5)(B)(ii).


6. Third, the Debtors' proposed Chapter 13 Plan does not provide for ongoing post petition mortgage payments to SPS.

7. Lastly, SPS notes that Debtor Mr. Pinnock is ineligible for a discharge in this case under 11 U.S.C. § 1328(f)(1), given that he received a discharge in his prior Chapter 7 bankruptcy case (Case No. 11-22011) within four years of entry of the Order for Relief in the instant case. Given same, while the proposed Chapter 13 Plan does not contemplate SPS' lien on the Property, SPS requires that it retain its lien under 11 U.S.C. § 1325(a)(5)(B)(i)(I) until the underlying debt is paid in full.

WHEREFORE, the undersigned respectfully requests the Debtors to amend their Chapter 13 Plan as specified earlier or, in the absence of an amendment to the Plan, the undersigned respectfully requests an Order of this Court denying confirmation of Debtors' Chapter 13 Plan pursuant to 11 U.S.C. § 1325; together with such other and further relief as may

be just and proper.

Dated: December 8, 2016

A handwritten signature in black ink, appearing to read 'Katherine Heidbrink', is written over a horizontal line.

Katherine Heidbrink
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